

REMARKS

Claims 1-9 are pending in the present application.

This Amendment is in response to the Office Action mailed December 04, 2007. In the Office Action, the Examiner rejected claims 3 and 9 under 35 U.S.C. § 112, second paragraph, and claims 1, 2, 4 and 7-8 under 35 U.S.C. § 102(b) and claims 3 and 5-6 under 35 U.S.C. § 103(a).

Applicant has cancelled claims 4, 5, and amended claims 1, 6, 8 and 9. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 112

The Examiner rejected claims 3 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 1, which is the independent claim of claims 3 and 9. Therefore, the rejection of claims 3 and 9 under 35 U.S.C § 112 is now moot. Applicant respectfully requests the rejection be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 2, 4 and 7-8 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C 103(a) as obvious over U.S. Publication No. 2002/0122995 filed by Mancini et al. ("Mancini"). Applicant respectfully traverses the rejections for the following reasons.

Mancini discloses that an etch-stop layer can be made of chrome (Cr has Z= 24) and a patterning layer can be made of molybdenum Mo (Z= 42), gold Au (Z= 79), tantalum Ta (Z=73), and tungsten W (Z=74). Unlike the present invention, Mancini, does not disclose, suggest, or render obvious that the etch-stop layer or that the patterning layer can be made of any of elements with atomic numbers 21, 23, 25 to 36, 38 to 41, 43 to 48, 50 to 54, 56 to 72, 75 to 78, 80 and 82 to 83 by 50 wt% or greater.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Mancini that teaches the etch-stop layer or the patterning layer can be made of any of elements with atomic numbers 21, 23, 25 to 36, 38 to 41, 43 to 48, 50 to 54, 56 to 72, 75 to 78, 80 and 82 to 83 by 50 wt% or greater.

Applicant would like to point out to the Examiner that amendment to the claims is nothing more than to narrow the claims by combining all the elements in the dependent claim(s) to the independent claim and to disclaim all the 8 elements that are disclosed in the already cited reference(s). Since the amendment is in compliance pursuant to CFR § 1.116, this amendment should be entered. Applicant believes the claimed invention in condition for allowance.

Since there is no showing of the identical invention in as complete detail as is contained in the claim, Applicant respectfully requests that rejection under 35 U.S.C. §102(b) be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected: 1) claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Mancini et al. in view of U.S. Publication No. 2004/0053161 filed by Kanna et al. ("Kanna"); 2) claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Mancini et al. in view of U.S. Patent No. 6,015,324 issued to Potter ("Potter") and U.S. Publication No. 2005/0053847 filed by Martin et al. ("Martin"). Applicant respectfully traverses the rejections for the following reasons.

Mancini further discloses that the etch-stop layer can also be made of indium-tin-oxide where In has $Z=49$ and that a substrate can be a quartz material, wherein quartz (SiO_2) contains 46.66% Si ($Z=14$). Kanna discloses a process of producing integrated-circuit elements using photoresist and that a transparent substrate, such as a glass substrate or an indium-tin-oxide can be used. Potter discloses that the etch-stop layer can be made of metals, such as Cr, Ta, and W. Martin discloses an opaque layer which can be chrome or layer made of tantalum compounds, such as Ta or TaN.

Mancini, Kanna, Potter, and Martin, taken alone or in any combination, do not disclose, suggest, or render obvious the etch-stop layer or the patterning layer can be made of any of elements with atomic numbers 21, 23, 25 to 36, 38 to 41, 43 to 48, 50 to 54, 56, 57, 72, 75 to 78, 80 and 82 to 83 by 50 wt% or greater. This

aspect of the invention is supported in the specification on page 9 (Table 1) and is recited in amended claims 1, 6, 8 and 9.

Therefore, Applicant believes that independent claim 1 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) and § 103(a) be withdrawn.


CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,
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